

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 14-cr-79-jdp

ROGER ALESHIRE,

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

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Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On July 16, 2014, a federal grand jury sitting in Madison, Wisconsin, returned an indictment against defendant Roger Aleshire. Count one charged that on or about January 27, 2014, the defendant knowingly and intentionally used a minor, "Known Victim (KV) #1," to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate commerce, specifically, the defendant used a SanDisk 8 GB SD card from a Samsung SGH-i997 Infuse phone to produce a visual depiction of "KV #1" engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2251(a). The indictment also contained a forfeiture allegation for the forfeiture of:

- a. any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in

which they are contained, including books and magazines, seized from the defendant's residence; and

- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, specifically described as a SanDisk 8 GB SD card, and a Samsung SGH-i997 Infuse phone.

2. On November 5, 2014, the defendant entered a plea of guilty to the one-count indictment, pursuant to a written plea agreement. In the plea agreement, the defendant agreed to forfeit (1) any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained, seized from the defendant's residence; and (2) any and all property used or intended to be used to commit or to promote the commission of the offenses charged in the indictment.

IT IS THEREFORE ORDERED:

1. That based upon Roger Aleshire's plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the SanDisk 8 GB SD card, the Samsung SGH-i997 Infuse phone, and the AT&T SIM card, serial number 89014104212360676333. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

2. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the

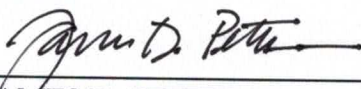
defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

3. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 10<sup>th</sup> day of November 2014.

  
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JAMES D. PETERSON  
United States District Judge